

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL ERALI II

Plaintiff, : DOCKET NO. 3:04-cv-30241-MAP

v.

TOWN OF ORANGE,

Defendant.

**PLAINTIFF'S MOTION TO REOPEN CIVIL ACTION AND
FOR A FINAL PRETRIAL CONFERENCE**

The plaintiff, Michael Erali II, hereby respectfully moves the Court to reopen the above captioned matter which was terminated by the Court with a sixty day order issued on September 5, 2006 and to set the date for a final pretrial conference. As reasons therefore the plaintiff states as follows:

1. On May 16, 2006, the Court heard the defendant's Motion for Summary Judgment which it denied from the bench on that date.
2. On that same day, the Court also ordered the defendant's counsel to report to the Court on the status of the case on or before June 12, 2006.
3. On June 12, 2006, the defendant informed the Court that the parties were participating in private mediation and would report to the Court after that time and that if the mediation process failed the parties would "request that the matter be scheduled for trial." (See Document 25 filed 6/12/06 by defendant's counsel.)
4. The parties engaged in a private mediation session and although they were unable to resolve the matter on that date continued to engage in subsequent settlement-related discussions in an effort to resolve the matter.

5. The Court had not set a date by which the parties needed to report whether mediation had failed.

6. Because of the continued discussions after mediation and the indication of a desire by all parties to resolve the matter short of trial the parties had not yet reported the case as unresolved and in need of a date for a final pre-trial conference to the Court.

7. However, the case is unresolved and the plaintiff requests that the matter be reinstated on the Court's docket and that the Court set the case down for a final pretrial conference so that the case may proceed to trial.

WHEREFORE, the plaintiff respectfully requests that the case be reinstated on the Court's docket and that the Court set a date for a final pretrial conference.

Dated: September 7, 2006

PLAINTIFF MICHAEL ERALI II
By his attorney,

/s/ Suzanne Garrow
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF).

/s/ Suzanne Garrow
Suzanne Garrow